

## **REMARKS**

The present invention is a method of ordering, paying for and delivering content. Independent claims 1, 13, 25, 37 and 49 define the invention in different degrees of scope. Fig. 15 and the specification discusses various modules 1100-1500 upon which the claimed invention is based.

An exemplary network in which the present invention may be practiced and on which the claims of the present invention are readable is illustrated in Fig. 1. Each of the claims in reciting a new method of ordering, paying for and delivering content or contents recites the ordering and paying for the content or contents by a user at a first location. Moreover, each of the claims further recites in association with the ordering or providing the content or contents a network operator and a content provider of the content or contents which corresponds to the network operator server 20 and the content provider 30 of Fig. 1. Moreover, at least one of ordering content or contents, transmitting a first service response value and transmitting the content is done by a network. Moreover, independent claims 1, 13, 37 and 49 recite that the content is selected from the content provider, whereas claim 25 recites ordering the content from the network operator. All of the claims recite that the ordering of the content or contents occurs at the first location with the delivery being at the second location. This combination of architectural elements and functionality is not taught by the proposed combination of United States Patent 5,903,878 (Talati et al), United States Patent 6,401,058 (Gershman et al), and United States Patent 5,815,665 (Teper et al) for the reasons set forth below.

Claims 1-3, 12, 25-27, 37-39, 49-51 and 60 stand rejected under 35 U.S.C. §103 as being unpatentable over Talati et al, Teper et al and Gershman et al under 35 U.S.C. §103. These grounds of rejection are traversed for the following reasons. In summary, there is no demonstrable reason in the record why a person of ordinary skill in the art would be motivated to make the proposed combination and moreover, even if the proposed combination were made, it is submitted that the subject matter of rejected claims 1-60 and newly submitted claims 115-175 would not be achieved.

Talati et al describe a method and apparatus for electronic commerce which merely suggests generally that delivery utilizes a computer network such as the Internet, private intranet or any suitable network. Each of the independent claims recites, *inter alia*, the transmitting of the content by either the network operator (claims 1, 3, and 49) or the content provider (claims 13 and 25). There is clearly no counterpart of an operator of the network described in column 3, lines 49-59, which is the only delivery network of content disclosed in Talati et al.

The functions of the network operator include interactions between the network operator and the remainder of the system, including the content provider, which have no counterpart in the independent claims. Claim 1 recites, "calculating a second service response value by a network operator when the user at a second location, different from the first location, requests the content from the network operator; verifying, by the network operator contacting the contact provider, that the first service response value matches the second service response value; and transmitting the content to the user at the second location by the network operator when the first service response value matches the second

service response value"; claim 13 recites, "transmitting the first service response value, the network identifier, and a random number to a network operator by the content provider; calculating a second service response value and a cipher value by the network operator and determining if the first service response value matches the second service response value;" claim 25 recites, "transmitting a first service response value calculated by the user to the network operator; calculating a second service response value and a cipher key by the network operator and determining if the first service response value matches the second service response value"; claim 37 recites, "ordering the content ID, by a user at a first location, the content being selected from a network operator; transmitting a first service response value calculated by the user to the network operator; calculating a second service response value and a cipher key by the network operator and determining if the first service response value matches the second service response value; and transmitting the content to the user at a second location, different from the first location by the network operator when requested by the user" and claim 49 recites, "calculating a plurality of second service response values by a network operator when the user at a second location, different from the first location, requests one of the content from the network operator; verifying, by the network operator contacting the content provider, that one of the plurality of first service response values is associated with the requested contents matches one of the plurality of second service response values associated with the requested contents; and transmitting one of the requested contents to the user at a second location different from the first location, by the network operator when the one of the plurality of first service response values matches one of the plurality

of second service response values". It is submitted that the foregoing functions of the network operator are not found in Talati et al.

It is noted that the Examiner cites column 6, lines 1-15, of Talati et al for a network operator. However, the aforementioned portion of column 6 refers to the functions performed by the system of Fig. 3 including an originator 50, a recipient 55 and a transaction administrator 60. None of the entities of Fig. 3 alone or in combination are a counterpart of the claimed network operator including the functions thereof recited above from the independent claims.

On page 4, the Examiner states as follows:

Talati '878 discloses the claimed invention except for the transmitting the content to the user by the network operator (Broker). Teper'665 teaches that it is known to transmit the content to the user by the network operator (Broker). It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the content to the user by the network operator as taught by Teper'655, since Teper'665 demonstrates in Fig. 3 that such a modification allows users to purchase contents online without having to reveal personal information about themselves or their account numbers.

The Examiner's reliance upon Teper et al's broker as being a network operator is not a reasonable construction of the term "network operator" as understood by a person of ordinary skill in the art from reading the specification of the present application.

As may be seen in the architecture diagram of Fig. 1 of Teper '655, user computers 40 are connected via the Internet to service provider computers 50 with payment being controlled by online broker site 60. The service broker site "provides billing and security services for registered Service Providers via an Online Brokering Service, eliminating the need for the Service Providers to handle such matters" which is not a description of a network operator as that term would

be understood by a person of ordinary skill in the art. Moreover, claims 4, 14, 28, 40, 52 and 51-114 recite that the network operator operates a wireless network which further excludes Teper et al's broker from being construed as a network operator. See lines 20-26 of column 5. The online brokering service may provide additional services to the user which do not transform the broker site into a network operator.

Furthermore, even if the online service broker 60 of Teper et al could be considered to be a network operator, it is submitted that the overall functionality between the content provider, the network operator, the network and the user as recited in the independent claims and as discussed above, is not disclosed in Teper et al.

Gershman et al disclose a mobile communication and computing system. The Examiner states that Gershman teaches that it is known in the art to provide the user at a first location receiving the content ordered at a second location. In the section entitled "Information Routing" in column 48 there is described the delivery of information to where the users are likely to be located. However, the claims call for more specific subject matter than merely information routing to a second location. For example, claim 1 recites, "calculating a second service response value by a network operator when the user at a second location, different from the first location, requests the content from the network operator"; claim 13 recites, "transmitting the content to the user at a second location, different from the first location, when the first service response value matches the second service response value, by the content provider"; claim 25 recites, "transmitting the content to the user at a second location different from the first

location by the content provider when requested by the user"; claim 37, recites "transmitting the content to the user at a second location different from the first location by the network operator when requested by the user" and claim 49 recites, "transmitting one of the requested contents to the user at a second location different from the first location, by the network operator when the one of the plurality of first service response values matches the one of the plurality of second service response values". Each of the aforementioned portions of the independent claims requires far more than the delivery of content to the second location and involves interactions between the other elements of the claimed network architecture.

It is submitted that a person of ordinary skill in the art would not be motivated to make the proposed combination of Talati et al, Teper et al and Gershman et al except by impermissible hindsight. It is noted that each of these systems pertains to specific aspects of electronic commerce with none of the systems alone or in combination suggesting the claimed architecture and the related functionality. It is submitted that none of the references discloses the combination of a content provider, a network operator, the user, and a network including the claimed interactions. Accordingly, if the proposed combination was made, the subject matter of the independent claims would not be achieved.

Newly submitted claims 115-175 recite a method "wherein the network is a wireless network operated by the network operator; and the user uses the multiple station within the wireless network to receive the content at the second location." As has been pointed out above, there is no counterpart of the claimed network operator in combination with the content provider, the network and the user and

the claimed functionality with claims 115-175 further providing the more specific operation that the network is a wireless network which is used to receive the content at the second location in addition to the function of the network recited in the independent claims.

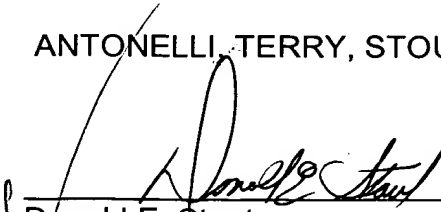
Moreover, dependent claims 2-24, 26-36, 38-48 and 50-60 provide more specific aspects of the present invention which are also not rendered obvious by the proposed combination of references.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 0171.37999X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

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